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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KORI DIANE STEWART,

Plaintiff,

vs.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, a foreign corporation; DOES
1 through 10; ROE ENTITIES 1 through
10; ABC LIMITED LIABILITY
COMPANIES, inclusive, jointly and
severally,

Defendants.

CASE NO: 2:17-cv-02934-APG-PAL

**PROPOSED STIPULATION AND
ORDER TO EXTEND DISCOVERY
DEADLINES (FIRST REQUEST)**

**[Submitted in Compliance
with LR 26-4]**

The parties, by and through their respective counsel of record, stipulate to extend discovery in the above-referenced action, and seek an Amended Scheduling Order setting new discovery deadlines as follows:

I. Local Rule 6-1

Under LR 6-1(b) every stipulation to extend time must inform the court of any previous extensions granted and state the reasons for the extension requested.

1 **a. The Requirements of Local Rule 6-1 Are Satisfied**

2 This is the first request for extension filed by the parties.

3 **II. Local Rule 26-4**

4 Under LR 26-4, an application to extend any deadline set by the discovery plan,
5 scheduling order, or other order must be received no later than twenty-one (21) days before the
6 expiration of any such deadline. Any request to extend any such deadline must be supported by
7 a showing of good cause. Any request made after the expiration of the subject deadline shall not
8 be granted unless the movant demonstrates that the failure to act was the result of excusable
9 neglect.

10 **a. The Time Requirements of Local Rule 26-4 Are Satisfied**

11 The current discovery cut-off date is June 22, 2018. The primary date the parties wish
12 to extend is that of initial and rebuttal expert disclosures which is April 23, 2018, which
13 satisfies the time period requirements.

14 **III. There is Good Cause for the Extension**

15 This is a civil action alleging breach of contract, breach of the covenant of good faith
16 and fair dealing, and alleged violations of NRS 686A.310. Both parties require additional time
17 to obtain testimony from multiple insurance adjusters, from the FRCP 30(b)(6) designee(s) of
18 Defendant, and from Plaintiff. These depositions were unable to be coordinated prior to the
19 initial expert disclosure deadline of April 23, 2018, due to the availability and trial calendars of
20 Plaintiff's and Defendant's counsel and deponents. The current scheduling order requires initial
21 experts to be disclosed no later than April 23, 2018. However, the insurance adjusters were not
22 available until mid-April 2018, to appear in Washington state for depositions, and the FRCP
23 30(b)(6) designee was not available until June 2018.

24 Neither party is able to submit all necessary documents to their respective experts and to
25 obtain the requisite expert reports and meet this current deadline because the depositions are not
26 occurring until April 18, 2018; April 19, 2018; and June 7, 2018. In the interests of preserving
27 trial upon the merits, the parties have stipulated to continue discovery by approximately 90
28 days.

1 **IV. Proposed Schedule for Completion of Discovery**

- 2 a. Discovery Deadline: **September 20, 2018**
3 b. Final Date to amend pleadings: **June 21, 2018**
4 c. Disclosure of Expert Witnesses: **July 23, 2018**
5 d. Disclosure of Rebuttal Expert Witnesses: **August 21, 2018**
6 e. Dispositive Motion Filing Deadline: **October 22, 2018**
7 f. Pretrial Order, if no Dispositive motions are filed: **November 20, 2018**

8 If dispositive motions are filed, the Pretrial Order shall be filed thirty days after
9 the decision on the dispositive motions.

10 **V. Schedule Currently in Effect for Remaining Discovery:**

- 11 a. Close of Discovery: June 22, 2018
12 b. Final Date to amend pleadings: March 23, 2018
13 c. Disclosure of Expert Witnesses: April 23, 2018
14 d. Final date for rebuttal expert disclosures: May 23, 2018
15 e. Final date to file dispositive motions: July 23, 2018
16 f. Pretrial Order deadline: August 22, 2018

17 **VI. Discovery Completed:**

18 The parties have exchanged their initial disclosures. Defendant has requested and
19 Plaintiff has provided medical provider HIPAA authorizations. Plaintiff has set the depositions
20 of multiple insurance adjusters and the FRCP 30(b)(6) of Defendant. Defendant has propounded
21 discovery to Plaintiff, which Plaintiff has answered. Plaintiff is preparing to propound discovery
22 upon Defendant.

23 **VII. Discovery Remaining to be Completed:**

- 24 a. The parties must continue to propound and answer written discovery.
25 b. The depositions of a number of fact witnesses remain and are currently on
26 calendar.
27 c. Experts must be disclosed and deposed.

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As good cause is present, the parties request the court adopt this stipulated extension to the discovery plan.

APPROVED AS TO FORM AND CONTENT:

DATED this 2nd day of April, 2018
Mainor Wirth, LLP

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DATED this 2nd day of April, 2018
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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: April 6, 2018

The foregoing **PROPOSED STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (FIRST REQUEST)** in Case Number 2:17-cv-02934-APG-PAL was submitted by:

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